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FISCAL IMPACT STATEMENT

LS 6991

BILL NUMBER: SB 349

NOTE PREPARED: Jan 5, 2010

BILL AMENDED:

SUBJECT: Community Corrections.

FIRST AUTHOR: Sen. Arnold

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. *Conduct Adjustment Procedures* – It provides that Department of Correction (DOC) rules concerning the maintenance of order and discipline among committed persons applies to persons placed in a community corrections program, assigned to a community transition program, or released on parole.
- B. *Charge-Backs* – It repeals a provision that requires a county that receives a grant from the department commissioner for the establishment and operation of a community corrections program to be charged a sum for certain persons committed to the department and confined in a state correctional facility.
- C. *Best Practices* – It requires that a community corrections plan must include a method to evaluate each component of the program to determine the overall use of department-approved best practices for the program. It provides that the department must require community corrections programs to submit an evaluation of the use of department-approved best practices for community correction program components in proposed budget requests.
- D. *Home Detention* – It provides that, for the purposes of the law concerning home detention, a home includes the residence of another person who is not part of the social unit formed by an offender's immediate family. It establishes certain standards and criteria for direct placement of offenders in community corrections programs.
- E. *Credit Time* – It specifies that, for purposes of the law concerning direct placement in community corrections programs: (1) "home" means the actual living area of the temporary or permanent residence of a person; and (2) a person who is placed in a community corrections program under the law is entitled to earn credit time. It allows a person to be deprived of credit time for violating a rule or condition of a community corrections program.

Effective Date: July 1, 2010.

Explanation of State Expenditures: See *Explanation of Local Expenditures*.

Explanation of State Revenues:

Explanation of Local Expenditures: *Charge-Backs*- Charge-backs were a method used by the Department of Correction to penalize counties with community corrections grants and who did not admit a minimal number of nonviolent felons. DOC has not used the formula in statute for penalizing community corrections counties in at least the last ten years.

Credit Time and Conduct Adjustment Procedures – By explicitly allowing credit time, community corrections administrators can apply more sanctions at the local level and allow the local programs to avoid returning the offender to DOC. In practice, some offenders are earning credit time when they are in community corrections programs. If IC 11-11-5 applies to offenders in community corrections, community transition, and parole in this statute, then administrators would have the clear ability to take away credit time.

Best Practices – “Best Practices” or “Evidence-Based Practices” are programs and principles that correctional professionals have evaluated and concluded are effective in treating offenders in community-based programs and facilities.

Definition of Home Detention – Changing the definition of home (IC 35-38-2.5-2) will expand a court’s options to place more offenders on home detention by including friends and people in common law relationships. In September 2008, 2,570 offenders were on home detention.

Home Detention and Electronic Monitoring – Community corrections administrators report that the standards that exist for supervision methods, treatment, and education programs and use of technology are higher for community corrections programs than they are for private contractors. This would make both contractors and community corrections staff comply with the same standards. There are 74 community corrections agencies.

Explanation of Local Revenues:

State Agencies Affected: DOC.

Local Agencies Affected: Community corrections agencies.

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